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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,950	02/04/2000	Jake B. Carpenter	B0932/7134	9504

7590 07/15/2002

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EXAMINER

VANAMAN, FRANK BENNETT


ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/498,950	Applicant(s) Carpenter et al.	
	Examiner Vanaman	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 29, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above, claim(s) 30-35 and 51-55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-50 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 17-24, 26-28, 56, 57, 60, 62-65, 67-71, 74-80, and 82-85 is/are rejected.
- 7) ☒ Claim(s) 4, 16, 25, 29, 58, 59, 61, 66, 72, 73, and 81 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Status of Application

1. Applicant's request for reconsideration and declarations, filed April 29, 2002 have been entered in the application and considered.

Declarations Under 37 CFR 1.131

2. The declarations filed on April 29, 2002 under 37 CFR 1.131 are sufficient to overcome the Shields reference.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 5-8, 10, 11, 13, 14, 17-20, 22 and 85 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen et al. (US 5,918,897, filed 9/1995). Hansen et al. teach a system for attaching a snowboard boot (2) including a base plate (3, 4), a flexible unitary binding strap (5 and 10) having a boot shaped contour and which includes a slit-shaped pocket (portion 10) which forms with the strap, an internal opening (interior face of the external surface of 10, for example) having a top, bottom and sides, a further strap (8, 9, 11) with one end (e.g., 11) insertable through the pocket, the portion of the strap in the pocket corresponding to the contour of the strap 5, 10), the other end connected to a binding base portion (through 7, 12, 13), still further strap elements (29, 30) connectable to the binding strap (through 7' and 13, figure 4), one end of each of the still further strap elements connected to the base (and thence also to the binding strap), the other ends connected to a pair of buckles (27, 28) which also engage strap 8, 9, 11; the portions 8, 9 of the straps and the engaged portions of the buckles 27, 28 constituting mating features to the breadth claimed; each of the strap elements being mounted so as to move in longitudinal directions with respect to the other strap elements to the extent claimed.

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Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. The reference of Hansen et al. is discussed above and fails to specifically teach a pair of pockets or recesses. In view of Hansen's having provided a pair of strap portions located in the pocket portion (10 of strap 5), it would have been obvious to one of ordinary skill in the art at the time of the invention to provide separate pockets for each strap portion for the purpose of preventing snarling or crossing of the two strap portions (e.g., 8, 9).

7. Claims 3, 15, 23, 24, 26, 27, 28, 56, 57, 60, 62-65, 67-71, 74-80, 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al., in view of Andre (US 2,531,763, cited by applicant). The reference of Hansen et al. is discussed above and fails to teach the engagement of the strap portions 8, 9, with the buckles 27, 28 including a plurality of apertures in at least the straps and a fastener which may be engaged with the apertures. Andre teaches a mounting system for use with a portion of a boot which requires closure, including a first strap portion (17) with apertures (19) and a mating buckle (18) including a fastener which may removably engage the apertures. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the connection of strap portions 8, 9 to buckles 27, 28 with a buckle having a fastener which releasably engages one of a plurality of apertures positioned at least on the strap portions, for the purpose of allowing each of the straps to be individually adjusted (i.e., a plurality of apertures in each of portions 8 and 9), and for the purpose of allowing the degree of engagement to be easily reproduced (e.g., by engaging the fastener portion of the buckle with the same aperture), facilitating consistent operation of the binding.

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8. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Baumgarner (cited previously). The reference of Hansen et al. is discussed above and fails to teach the buckles (27, 28) as being ratcheting buckles. Baumgarner teaches a snowboard boot mounting scheme wherein a first strap is connected to a second strap by a ratcheting buckle (41) wherein an end of one of the straps (42) is provided with serrated notches, to allow incremental adjustment. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the buckles (27, 28) each with a ratcheting buckle as taught by Baumgarner in order to allow for a quick incremental tightening of the boot strap when the user has already installed the boot in the binding, the provision of increments of tightening allowing easily reproducible tightening amounts.

Allowable Subject Matter

9. Claims 36-50 are allowed.
10. Claims 4, 16, 25, 29, 58, 59, 61, 66, 72, 73, and 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. Applicant is reminded that claims 30-35 and 51-55 remain withdrawn from consideration as being directed to a non-elected invention.

Response to Comments

12. Applicant's comments, filed as a request for reconsideration, have been carefully considered and are persuasive. In combination with the declarations, the comments are persuasive in causing the withdrawal of the rejections based upon the Shields reference. Applicant's comments directed to the Baumgarner reference as previously applied against claim 85 are persuasive. Note the claim rejections based upon the reference to Hansen et al., cited previously in the prosecution of the instant application.

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Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:


Assistant Commissioner for Patents
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "UNOFFICIAL" or "DRAFT")

F. VANAMAN
Primary Examiner
Art Unit 3618

F. Vanaman
July 11, 2002



7/11/02